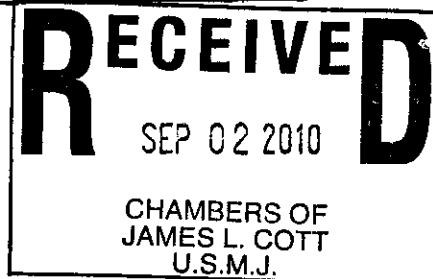




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United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007



September 2, 2010

By fax: 212.805.7990

The Honorable James L. Cott  
United States Magistrate Judge  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

Re: Musumeci v. Department of Homeland Security, 10 Civ. 3370 (RJH) (JLC)

Dear Judge Cott:

This Office represents defendants (the "government") in the above-named action. I am writing to request, on behalf of plaintiff and the government, an extension of the government's time to answer or move with respect to the complaint until October 1, 2010. The government's response is currently due on September 7, 2010. This is the fourth request for such an extension; the first three were granted. Counsel for plaintiff joins this request. We seek this extension because the parties are close to, and continue to make progress toward, reaching a resolution of this matter without further litigation, and need the additional time to finalize the agreement.

Thank you for your consideration.

Respectfully,

PREET BHARARA  
United States Attorney

By:

BENJAMIN H. TORRANCE  
Assistant United States Attorney  
Telephone: 212.637.2703  
Fax: 212.637.2702  
E-mail: benjamin.torrance@usdoj.gov

**SO ORDERED:**

Hon. James L. Cott  
United States Magistrate Judge

9/2/10

cc: Christopher Dunn, Esq. (by fax: 212.607.3318)

USDC SDNY

DATE SCANNED

9/3/10